

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

KERRISUE BARTHOL,
o/b/o minor child RLB,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL ACTION NO. 1:08cv39-CSC

ORDER

PLEASE NOTE: Please read this order carefully. The previous scheduling order has been revised to impose new responsibilities and deadlines on parties to social security litigation. These deadlines and responsibilities may not be changed without leave of the court. All parties are expected to comply with this order in a timely manner, without unnecessary requests for extensions of time. Note that this order now requires each brief to contain a section titled "Statement of the Issues."

The plaintiff has filed a complaint seeking review of a decision of the Commissioner of Social Security and has filed a motion to proceed *in forma pauperis*. Accordingly, it is

ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* is GRANTED. It is further

ORDERED as follows:

1. Within 90 days after the date of service of the complaint, the defendant shall file an answer and serve on the plaintiff a complete copy of the record of the administrative proceedings **which shall be bound in volumes of no more than 200 pages each.**

2. Within 40 days after the defendant has filed his answer and served the plaintiff with the administrative record, the plaintiff shall file a brief in support of his or her claim(s)

for relief. The plaintiff shall serve copies of his/ her brief upon the United States Attorney's Office and upon the Office of General Counsel, Social Security Administration, 601 East 12th Street, Room 535, Kansas City, Missouri 64106-2898.

3. Within 30 days after the plaintiff's brief is filed, the defendant shall file a reply brief and a complete copy of the administrative record. The defendant is specifically DIRECTED to address *all of the contentions and arguments* made by the claimant in the same order in which the plaintiff has made them in his or her brief.

4. The plaintiff's brief shall contain a section titled "Statement of the Issues." In this section *in numbered paragraphs*, the plaintiff shall state in a *concise, specific¹ manner* each issue which the plaintiff presents to the court for resolution. Issues not presented in the Statement of the Issues will not be considered. The Commissioner's reply brief will address with specificity each issue raised by the plaintiff in a manner consistent with the issues as raised in the numbered paragraphs contained in the Statement of Issues. The briefs shall not exceed **a total of 15** pages, except as approved by the court upon motion. **Any motion to exceed the court's page limit shall be filed no later than one week before the deadline for the submission of the brief.** No extensions of time for filing briefs shall be allowed absent a showing of good cause. If a party desires an extension of time within which to respond, the moving party is specifically DIRECTED to file a motion for extension before the date upon which the brief or response is due. *See Hill v. Dekalb Reg'l Youth Det. Ctr.*, 40 F.3d 1176 (11th Cir. 1994). Unless oral argument is deemed necessary by the court, this case shall be deemed submitted as of the date on which the defendant's reply brief is filed.

5. If the court, in response to a party's motion, grants an extension of time for any pleading, the other party is automatically granted an extension for the same amount of time to file a responsive pleading.

6. Claims or contentions by the plaintiff alleging deficiencies in the ALJ's consideration of claims or alleging mistaken conclusions of fact or law and contentions or

¹ Thus, general statements of issues such as "the ALJ's decision is not supported by substantial evidence" will not be considered by the court.

arguments by the Commissioner supporting the ALJ's conclusions of fact or law **must include a specific reference, by page number, to the portion of the record** which (1) recites the ALJ's consideration or conclusion and (2) which supports the party's claims, contentions or arguments.

7. Either party may request oral argument in appropriate cases at the time the party's brief is filed.

8. Upon entry of the final order, the United States Attorney shall forward a copy of the order to the Administrative Law Judge who decided the case.

NOTICE AND CONSENT FORM DUE DATE

This civil case has been randomly assigned to a United States Magistrate Judge of this court. In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or nonjury civil case and order the entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

Any party to this lawsuit has the right to consent or decline consent to the jurisdiction of a Magistrate Judge. To exercise your right to consent you should complete the consent form and return it to the Clerk of the Court as indicated in the court's order. **Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge.** If you decline consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge. Accordingly, counsel for consenting parties are **DIRECTED** to file the consent form on or before **February 7, 2008. DO NOT FILE THIS FORM ELECTRONICALLY.**

Done this 18th day of January, 2008.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE

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CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter hereby confirm in writing their consent to a United States Magistrate Judge conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

Date _____

Signature

Counsel For (**print** name of all parties)

Address, City, State Zip Code

Telephone Number

DO NOT FILE THIS FORM ELECTRONICALLY